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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,095	10/10/2003	Bryce C. Waggoner	STD 1200 PA/41213.551	5499

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/685,095	Applicant(s) WAGGONER ET AL.	
	Examiner Patricia L. Nordmeyer	Art Unit 1772	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 30, 2006 has been entered.

### ***Withdrawn Rejections***

2. The 35 U.S.C. 103 rejection of claims 1 – 8, 10 – 20 and 22 over Attia et al. in view of Haas in the office action dated November 21, 2005 is withdrawn due Applicant's amendments and arguments in the response dated August 30, 2006.

3. The 35 U.S.C. 103 rejection of claims 9 and 21 over Attia et al. in view of Haas and Charles et al. in the office action dated November 21, 2005 is withdrawn due Applicant's amendments and arguments in the response dated August 30, 2006.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "60" has been used to designate both a colored label in Figure 1 and an area free of adhesive in Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

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replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 8, 10 – 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huddleston et al. (USPN 5,653,472) in view of Haas (USPN 5,785,354) and Attia et al. (USPN 6,016,618).

Huddleston et al. disclose a patient wristband form (Figure 1, #10) comprising a polyester ply layer having an upper surface and a lower surface made of film material (Column 5, lines 36 – 38; Column 6, lines 6 – 7), wherein the polyester film is a white polyester film (Column 3, lines 56 – 58), a release ply having an upper surface and lower surface (Column 5, lines 44 – 48) wherein said release ply having a release coating on said upper surface of said release ply (Column 5, lines 45 – 46) and wherein said transparent ply is removably mounted on said upper

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surface of said release ply by said pressure sensitive coating (Column 5, lines 46 – 48), a die cut in said transparent ply defining an elongated wristband (Column 5, lines 39 – 41), said label being sized to cover at least a part of said central portion of said elongated wristband so as to cover indicia printed on said wristband (Figure 1, #14) as in claims 1, 11 and 13. With regard to claims 2 and 14, the release ply is substantially larger than said transparent ply (Figure 2, #24) and further comprises a paper ply having an upper surface and a lower surface (Figure 1, #18; Column 3, lines 56 – 57) wherein said lower surface of said paper ply has a pressure sensitive adhesive coating which is used to mount the paper ply on the release ply (Figure 2, #28)). The form contains one or more labels defined by die cuts in the paper ply (Figure 1, #14), the transparent ply is die cut to define one or more additional labels (Column 4, lines 47 – 50) and a plurality of colored labels that may be affixed to said elongated wristband (Figure 3, #16; Column 3, lines 46 – 47) as in claims 3, 4, 6, 15, 16 and 18. As in claims 5 and 17, the pressure sensitive adhesive coating on said lower surface of said transparent ply is pattern coated such that are beneath said elongated wristband central portion is free of adhesive (Column 4, lines 4 – 7). With regard to claims 7 and 19, the transparent ply and paper ply are directly adjacent each other to provide a patient wristband of substantially uniform thickness (Figures 1 and 2, #10), whereby said form may advantageously be printed by means of a laser printer or an ink jet printer in center portion of the wristband (Column 4, lines 62 – 66; Figure 1, #40). However, Huddleston et al. fail to disclose a transparent ply having an upper and lower surface, a die cut in said transparent ply defining an overlamine label, said overlamine label being separate from said elongated wristband and sized to cover at least a part of the central portion of the wristband so as to cover indicia printed on said coating, an opaque coating on said upper surface of said

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transparent ply in a central portion of said elongated wristband, an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband comprising a coating of a white, opaque ink, the transparent ply comprising a ply of substantially clear polyester film material a perforation line extending there across between said top ply and said paper ply.

Attia et al. teach a transparent ply having an upper and lower surface Column 3, lines 46 – 47; Figure #13), a die cut in said transparent ply defining an overlamine label (Column 3, lines 61 – 64), said overlamine label being separate from said elongated wristband and sized to cover at least a part of the central portion of the wristband so as to cover indicia printed on said coating as part of a wristband (Figure 6, #26; Column 5, lines 46 – 50, wherein the overlamine is separate from the wristband as it is a single layer that covers the rest of the band) for the purpose of having a laminated article that can be printed by sheet fed printers and then converted into an identification wristband that has a covered and protected printed area (Column 1, lines 5 – 7).

Haas teaches an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband made of a white adhesive material (Column 9, lines 10 – 12; Column 10, lines 1 - 5) and the transparent ply comprising a ply of substantially clear polyester film material (Column 9, lines 12 – 14; Column 10, lines 11 – 14) for the purpose of having a surface that is capable of absorbing ink to form a display (Column 8, lines 44 – 50).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband comprising a coating of a white, opaque ink and the transparent ply comprising a ply of substantially clear polyester film material in Huddleston et al. in order to a laminated article that can be printed by sheet fed printers and then converted into an identification wristband that has a covered and protected printed area as taught by Attia et al. and to have a surface that is capable of absorbing ink to form a display as taught by Haas.

7. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Attia et al. (USPN 5,653,472) in view of Haas (USPN 5,785,354) and Attia et al. (USPN 6,016,618) as applied to claims 1 – 8, 10 – 20 and 22 above, and further in view of Charles et al. (USPN 4,318,234).

Huddleston et al., as modified with Attia et al. and Haas, disclose a patient wristband form comprising a transparent ply layer having an upper surface and a lower surface made of film material, a release ply having an upper surface and lower surface wherein said release ply having a release coating on said upper surface of said release ply and wherein said transparent ply is removably mounted on said upper surface of said release ply by said pressure sensitive coating, a die cut in said transparent ply defining an elongated wristband, an opaque coating on said upper surface of said transparent ply in a central portion of said elongated wristband and a die cut in said transparent ply defining an overlamine label, said label being sized to cover at

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least a part of said central portion of said elongated wristband so as to cover indicia printed on said opaque coating. However, the modified Huddleston et al. fail to disclose said transparent ply further defines one or more circular cut holes in said elongated wristband adjacent each end thereof, whereby said elongated wristband may be secured in place by a clasp, which engages one hole at each end of the wristband.

Charles et al. disclose a wristband (Column 1, lines 12 – 17) with a transparent ply (Column 9, lines 18 – 20) that further defines one or more circular cut holes (Figure 1a, #18 and 16) in said elongated wristband (Figure 1a, #4) adjacent each end thereof (Figure 1a, #6 and 8; Column 9, lines 23 – 26), whereby said elongated wristband may be secured in place by a clasp, which engages one hole at each end of the wristband (Column 9, lines 26 – 29; Figure 6a) for the purpose of having an identification that is easy to use, easy to apply while being tamper-resistant (Column 1, lines 6 – 11).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided with a transparent ply that further defines one or more circular cut holes in said elongated wristband adjacent each end thereof, whereby said elongated wristband may be secured in place by a clasp, which engages one hole at each end of the wristband in the modified Huddleston et al. in order to have an identification that is easy to use, easy to apply while being tamper-resistant as taught by Charles et al.



***Response to Arguments***

8. Applicant's arguments with respect to claims 1 - 22 have been considered but are moot in view of the new ground(s) of rejection.


With regard to Applicant's argument that there is no die cut that defines an overlamine label that is separate from the wristband, please see the newly applied rejection above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 10:00-7:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

pln